



State of California Office of the Ombudsman For Foster Care

Update Report

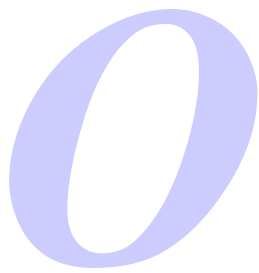
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Ombudsman

CALIFORNIA STATE

FOR FOSTER CARE

Update Report

OVERVIEW AND HISTORY OF THE OFFICE OF THE FOSTER CARE OMBUDSMAN

What is an Ombudsman?

Ombudsman:
"A government official...who investigates complaints, as from consumers, reports findings, and assists in achieving fair settlements," (The American Heritage Dictionary, Second College Edition).

The word Ombudsman is Swedish in Origin and is not intended to be gender specific.

The California State Office of the Foster Care Ombudsman, a valuable new resource for foster youth and children, was established by California Senate Bill 933 (Chapter 311/Statutes of 1998) which became effective January 1, 1999 (also found under Welfare and Institutions Code section 16160-16167). The program began providing services on May 2, 2000. This document represents the first report of the offices activities.

The important mission of the Foster Care Ombudsman Office is to provide foster children and youth or concerned citizens with a forum for voicing concerns regarding the Foster Care system's services, treatment and placement. Senate Bill 933 specifies:

"The Office of the State Foster Care Ombudsperson shall be established as an autonomous entity within the department [of Social Services] for the purpose of providing children who are placed in foster care, either voluntarily or pursuant to Section 300 and Sections 600 and following, with a means to resolve issues related to their care, placement and services."

The American Bar Association has identified three essential characteristics of an ombudsman: "independence, impartiality and confidentiality. Independence allows the ombudsman to function autonomously, without interference, and on their own initiative. Impartiality means that the ombudsman holds no bias and that no conflicts of interest exist regarding an investigation. Confidentiality allows the ombudsman's process to work effectively."

American Bar Association, 2000

(NOTE: In California, statutory authority to protect confidentiality of the Ombudsman records does not exist and thus, the Foster Care Ombudsman Office clients are not ensured confidentiality.)

The California State Ombudsman Program provides the following services:

- **Maintains a statewide toll-free telephone number available to individuals making a complaint or requesting information (1-877-846-1602).**
- **Conducts objective investigations and attempts to resolve complaints made by or on behalf of children or youth placed in foster care; related to their care, placement or services.** The Ombudsman assists complainants in the timely resolution of their complaint and decides whether to investigate a complaint or refer complaints to another agency for investigation. The Ombudsman Office is mandated to report child abuse, and will inform all complainants that all allegations of abuse or violations of Community Care Licensing (CCL) regulations will be reported. Complainants will also be informed as to the limits of confidentiality and the limited authority of the Ombudsman Office. The Ombudsman Office considers the concerns of all parties involved while conducting an objective fact-finding inquiry.
- **Disseminates information on the rights of children and youth in foster care and the services provided by the Ombudsman Office.** The Ombudsman assists in educating complainants regarding the child welfare system and the juvenile dependency court process.
- **Compiles all data collected on a yearly basis and provides a report to the Legislature.**

The purpose of the California State Foster Care Ombudsman Program is to receive complaints regarding the care, treatment and services provided to foster youth and their families. The primary role of the Ombudsman is to make objective inquiries into individual complaints and make recommendations for their resolution.

Authority of the California State Foster Care Ombudsman Program:

- The Ombudsman and staff may meet or communicate with any foster child in his or her placement or elsewhere.
- The Ombudsman Office can have access to any record of a state or local agency that is necessary to carry out her responsibilities.
- The Ombudsman Office can investigate any and all complaints received by the office.
- The Ombudsman Office is empowered to investigate the acts of state and local administrative agencies and to recommend appropriate changes toward safeguarding children's rights.
- The Ombudsman Office has the authority to report all findings to CDSS and the Legislature.

"The Governor and the Legislature should enact legislation establishing a statewide foster care ombudsman program"

Little Hoover Commission, 1992

"The Ombudsman Office performs an unusual role in government. While they receive complaints from the public, their job is not to become an advocate for the complainant or the government they have jurisdiction over."

The United States Ombudsman Association

LIMITATIONS OF THE AUTHORITY OF THE FOSTER CARE OMBUDSMAN

The authority of the Ombudsman Program is limited as follows:

- The Ombudsman Office does not have the authority to challenge court decisions.
- The Ombudsman Office can recommend case reassessments but is not empowered to change case plans.
- The Ombudsman Office does not have authority regarding personnel issues. Complaints regarding discrimination and other personnel actions shall be referred to the appropriate office.

"I enjoy working for the State Ombudsman for Foster Care, because years from now people won't remember that I was once in the foster care system or how much I loved working with foster youth but they will remember how the World (Child Welfare System) is better because this Office came into existence and touched lives."

*Berisha Black
Ombudsman staff*

"I Like working for the Ombudsman office because it is a one of a kind office, with one of a kind staff, who put their heart and soul into the effort to ensure the voices of California's Foster Youth to be heard throughout the system."

*Ricardo Perez
Ombudsman staff*

"The most important reason that I like working for the Ombudsman Office is feeling like you are truly making a difference in a child or youth's life in foster care."

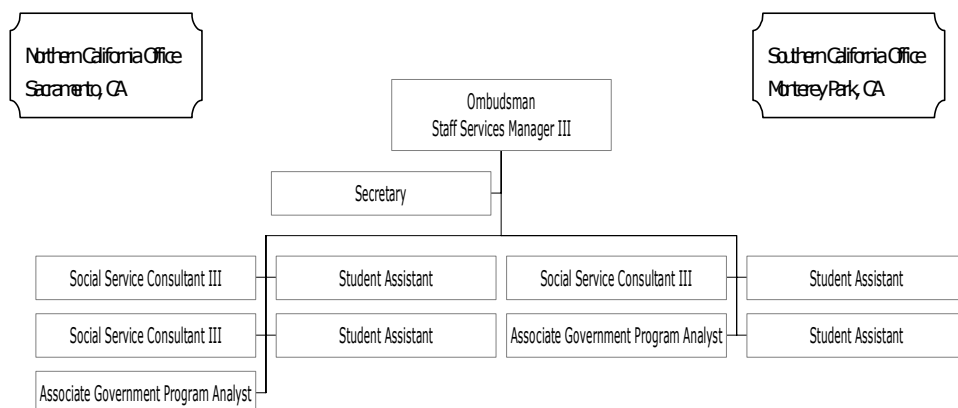
*Brenda Chaney
Ombudsman staff*

OMBUDSMAN STAFF

Start-up

In February 2000, Karen Grace-Kaho was appointed as the Ombudsman for Foster Care. She hired and established offices in Sacramento and Los Angeles. The Foster Care Ombudsman staff have a wide range of experiences and expertise. These include Masters Degrees in Social Work (MSW's), former California Department of Social Services (CDSS) Community Care Licensing (CCL) and foster care policy staff, a former residential treatment facility director, former county Ombudsman, and former foster youth.

Organizational Chart



TRAINING PROGRAM FOR OMBUDSMAN STAFF

The Ombudsman Office has implemented a training program for staff, interns and volunteers. They also attend bimonthly case conferences, which present a variety of cases for study and brainstorming.

DEVELOPMENT OF THE OMBUDSMAN DATA BASE

The Foster Care Ombudsman office has developed a temporary Microsoft Access data base. As resources become available, the data tracking system will be expanded.

STUDENT ASSISTANTS, INTERNS AND VOLUNTEERS

The Ombudsman Office has hired four student assistants who are former foster youth. There are six volunteers and five college interns who assist in the work of the Ombudsman Office.

DEVELOPMENT OF CASE PROCEDURES AND PROTOCOLS

The Office of the Foster Care Ombudsman has developed written office procedures and protocols in order to maintain uniformity in tasks such as intake procedure, referral protocol, and the standard for case closure. Consistency and effectiveness are monitored through regular bi-monthly staff meetings.

The role of an ombudsman is to ensure that government agencies treat their clients promptly, fairly and respectfully. This role requires the ombudsman to be an impartial third party who neither represents nor advocates for the client or any agency. The concept of excellence in government administration through fair and sensible treatment of citizens is well served by an office of ombudsman.

“...an Ombudsman Office, properly staffed and funded, and with clearly enumerated responsibilities and authorities, can present one of the best options for advocates at the state and local levels who are seeking new and effective mechanisms to assure that children and youth are properly served by government and private service providers. Davidson, Establishing Ombudsman Programs for Children and Youth.

Ombudsman Programs

Ombudsman offices have been established to address various governmental issues as well as concerns of businesses and corporations. National and International Associations of Ombudsman address the common concerns faced by professional ombudsman. The establishment of Ombudsman programs has steadily increased to help organizations obtain valuable information regarding problems, trends and possible solutions.

California's Foster Care Ombudsman, Karen Grace-Kaho, served as co-chair for the International Ombudsman Conference held in San Francisco. She also served on the planning committee for the Child Welfare Ombudsman conference which was held in Salt Lake City, Utah. Ms. Grace-Kaho currently serves as the chair of the Children and Family chapter of the United States Ombudsman Association.

Ombudsman programs that address the special issues of children and families have increased across the United States. Twenty-two states have established children's ombudsman and child advocacy programs (D'Ambra, 1996). California is proud to be a part of this growing group. Since California's child welfare system is administered at the county level, the establishment of County Child Welfare Ombudsman offices is essential in addressing concerns at the local level. Currently 10 of the 58 counties have established ombudsman offices including Alameda, Fresno, Los Angeles, Orange, Riverside, Sacramento, San Diego, San Francisco, San Mateo, and Santa Clara.

“Just want to thank you for getting us all together and for such an informative meeting. Because I am involved in all aspects of the agency services, I am not always up to date on youth services. Your meetings help. You are doing a wonderful job. Keep up the good work. Our children need someone so dedicated and focused”

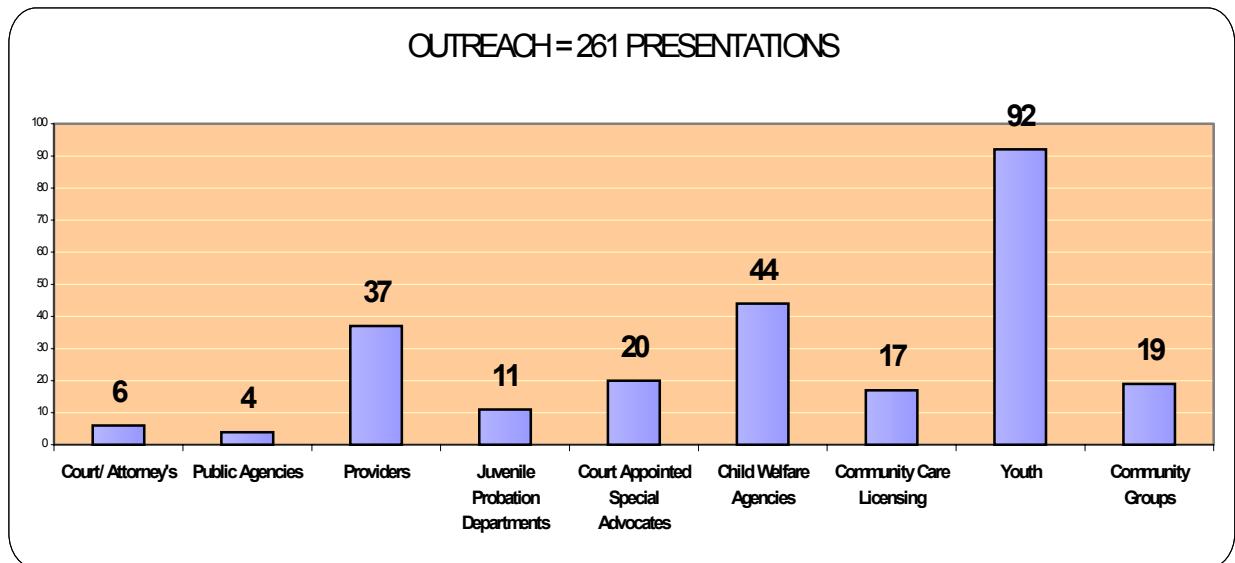
A County Ombudsman

YEAR IN REVIEW

No Ombudsman Program can be effective without continual outreach efforts.

OUTREACH CONTACTS (261 PRESENTATIONS)

During the first full year of operation, the Foster Care Ombudsman staff have made 261 presentations to a wide range of groups and organizations. The largest numbers of presentations (approximately 35 percent) have been to foster youth. Child welfare agencies received 44 outreach efforts (17 percent) and care providers 37 (14 percent). The remainder of the outreach activities included Court-appointed Special Advocates (CASAs) (20), community groups (19), CDSS Community Care Licensing (17), county probation departments (11), court personnel and child welfare attorneys (6), and miscellaneous public agencies (4).



FOSTER YOUTH FOCUS GROUPS

The Foster Care Ombudsman Office conducted 6 foster youth focus groups across the state. Through these focus groups, the Ombudsman staff had the opportunity to discuss a variety of issues with foster youth and to share information regarding the rights and responsibilities of youth. The Foster Care Ombudsman Office will continue these focus groups in the community, in an effort to more effectively address the issues affecting foster youth.

FOSTER CARE HELP-LINE (toll-free state wide) 877-846-1602

The Foster Care Help-Line was established in May of 2000. This statewide toll-free number receives complaints and concerns from foster youth and anyone concerned about their care, treatment, placement or services provided to them. Complainants may also contact the office via email at fosteryouthhelp@dss.ca.gov. This accessibility allows children placed in foster care, and advocates calling on their behalf, easy access to Ombudsman Office staff.

YEAR IN REVIEW—OUTREACH ACTIVITIES

ADVISORY COMMITTEES

Foster Care Ombudsman Advisory Committees were created for both the northern and southern regional offices. The purpose of the Advisory Committees is to assist the Ombudsman in clarifying the role of the office, sharing ideas for effective outreach, and providing feedback to the Ombudsman on protocols and procedures, brochures, the complaint tracking system and other relevant issues. The Committees are composed of individuals representing children's advocacy organizations, current and former foster youth, and representatives from provider associations. In addition, various departments and associations within the State are also represented.

THE RESOURCE DIRECTORY

A comprehensive Resource Directory has been compiled which contains listings of various federal, state and community resources to assist current and emancipated foster youth. This directory assists the Ombudsman staff when referring foster youth to appropriate resources.

ALL-COUNTY LETTER

All-County Letter No. 00-58 was distributed to all California's County Welfare Directors, and to all county probation officers, public adoption agencies, group homes, and foster family agencies informing them of the services and purpose of the Office of the Ombudsman for Foster Care. This letter also advises that county social workers are required to provide foster children with information about the Office of the Foster Care Ombudsman and its toll-free number.

COLLABORATION

An important aspect of the Office is the promotion of collaborative relationships among different departments and agencies in addressing issues and concerns. The Ombudsman office has met with the following departments and agencies to address issues and concerns expressed by foster youth and other complainants: Community Care Licensing, The California Alliance of Children and Family Services, County Welfare Directors Association (CWDA), foster family agencies, grandparent and kinship associations, county probation departments, county children and family services departments, California Youth Connection, child advocacy groups, Court Appointed Special Advocates, group home providers and foster parent groups. The Ombudsman Office has also held meetings with county-level Ombudsman in efforts to coordinate and promote the ombudsman programs at the local level.

THE WEB SITE

(www.fosteryouthhelp.ca.gov)

The Foster Care Ombudsman office created a web site, designed to provide information and resources to assist foster youth and providers. The web site includes information on the Ombudsman program as well as a wealth of information on a wide range of resources including the Independent Living Program, Transitional Housing programs and job and career development.

OUTREACH MATERIALS

The Ombudsman staff have created outreach materials such as color brochures, laminated cards about the Office, and a foster youth rights flier. These materials have been distributed at outreach presentations.

The Complaint and Inquiry Process:

- All contacts are documented on a complaint data base.
- The Ombudsman staff determines the priority status of the complaint. If the complaint involves an allegation of abuse, a report is made to Child Protective Services and Community Care Licensing.
- The Ombudsman acts as an objective fact-finder, and contacts all relevant parties.
- Ombudsman will inquire if the complainant feels safe making this complaint and if there is any fear of retaliation, and will explore various approaches to addressing their concerns.
- Ombudsman determines if the complainant has addressed the complaint to other personnel or organizations (example: County Social Worker, Probation Officer, County Ombudsman, Community Care Licensing, etc.).
- Ombudsman determines if a referral needs to be made to appropriate agencies or organizations. The Ombudsman follows up directly with the referral and complainant to verify resolution.
- Ombudsman reports back to all complainants as to the resolution of their complaint.

**Office of the Ombudsman for Foster Care
Data Summary
(May 1, 2000—May 1, 2001)**

Contacts—1,296

Complaints—550:

During the past twelve months, the staff made 2,824 case related contacts in completing the investigations and follow-ups.

Actions Taken

Investigations—336:

In these cases, staff conducted fact-finding, data collection and interviews with various parties to explore options and intervene to resolve complainants' concerns.

Brainstorming and Consultation—203:

In these case, staff provided technical assistance and brainstorming. The Ombudsman staff also encouraged complainants to brainstorm solutions to their concerns.

Case Conferencing—11:

The Ombudsman staff facilitated meetings with the complainant and relevant parties and professionals to engage in a dialogue to attempt to resolve the issues and focus on the welfare of the foster youth.

Referrals—187:

In addition to resolving specific complaints, the Ombudsman Office provides referrals to other agencies and departments to ensure that foster youth are referred to appropriate services.

Requests for Information—559

Resolution Status on Complaints

Closed Cases—396:

Approximately 72 percent of the cases were closed and resolved.

Active Cases—154:

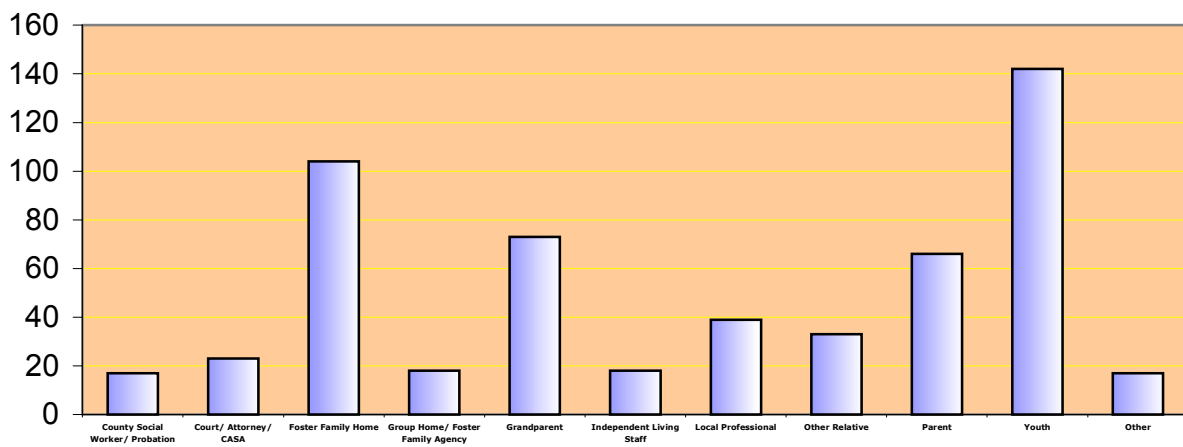
Approximately 28 percent of the cases were active. An active case will not be closed until the complainants concerns are addressed or resolved.

Office of the Ombudsman for Foster Care 2001 Annual Data / Complaints: 550

Complainants and Complaints: Who is complaining and what are their concerns?

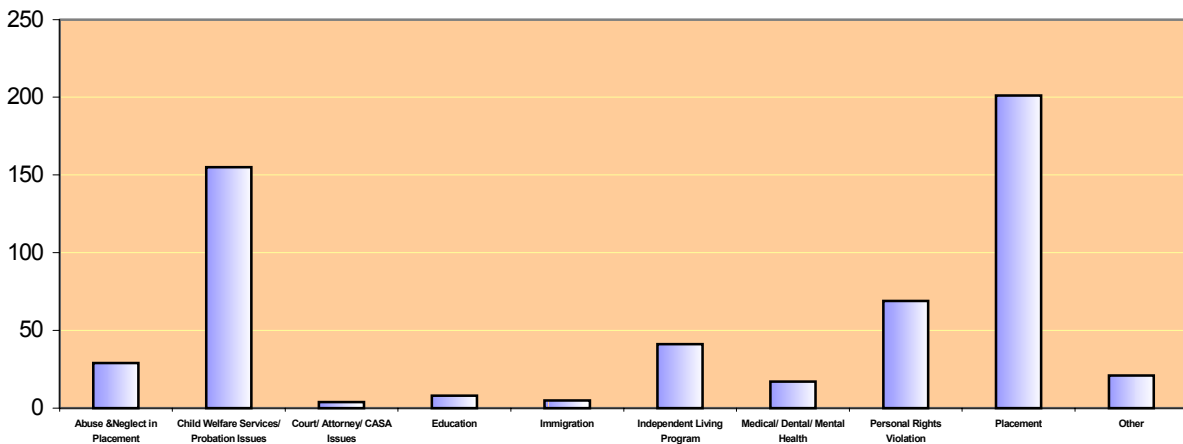
Anyone can file a complaint with the Office regarding the care, treatment or services provided to foster children or youth. The largest number of complaints was from current or former foster youth (26%). The second category was foster parents (19%). When relative categories are combined, complaints represented nearly 31% of the total number of complainants.

SOURCE OF COMPLAINTS = 550



The Ombudsman Office received 550 complaints made by or on behalf of youth placed in foster care during the past year. The following categories and examples illustrate the challenges and complexity of the current foster care system.

TYPE OF COMPLAINTS= 550



TYPES OF COMPLAINTS

1. Placement (201 complaints - 37 percent)

Concerns regarding placement decisions comprised the most complaints. The following are samples of the complaints:

- Relatives of foster youth were not considered as a placement resource.
- Siblings were not placed together.
- Relatives were forced to adopt in order to retain placements of foster youth.
- Biological parents were forced to give up custody of their children in order to obtain appropriate services to meet their needs.

Maternal Aunt Wants to Adopt Her Niece

An out-of-state maternal aunt contacted the Ombudsman office regarding her three year-old niece who had been in foster care since infancy. She had been contacting the Department of Children and Family Services (DCFS) for some time in an attempt to have her niece placed in her home but had been unsuccessful. Initially, the aunt was informed that an out-of-state placement would interfere with family reunification efforts. Once it became evident that family reunification would not occur, DCFS informed the aunt that removal “would be detrimental” to the child due to the length of the placement. Parental rights were terminated, and DCFS initiated adoptive planning with the child’s foster parent. The aunt then contacted the Ombudsman Office to determine her right to obtain custody of her niece. The aunt pursued custody of her niece by appealing the court’s decision not to place the child in her home and recently, she won the appeal. Through collaboration, the Ombudsman Office was able to assist this relative to understand her rights in the placement process of her niece.

2. Placement Agencies: Child Welfare/Probation Departments (28 percent – 155 Complaints)

The following are examples of some of the issues related to the communication and interaction with the placement agencies:

- There was miscommunication or lack of communication among the county placement agencies, the care-providers, the parents or relatives and the foster youth.
- Placement workers or agencies did not provide sufficient resources to ensure successful family reunification.
- The care-providers did not receive correct reimbursement or information to help in providing appropriate services for the foster youth.
- Placement workers did not fully release foster youths’ information to the care-providers upon and during placements.
- Placement workers or agencies were not always diligent in their documentation of concerns related to the care, services and placements of the foster youth.

Youth Wants a New Social Worker

A 15 year old youth contacted the Ombudsman staff inquiring about how to change her social worker. She reported that the social worker had provided her with misinformation regarding the plan for reunification. Youth stated she was told that she would be reunified within the next few months. When the youth spoke with her mother, her mother informed her that reunification probably would not be successful due to current circumstances. The youth was very upset and contacted the social worker, the supervisor and the manager. The youth was not satisfied with the information that was provided. She then contacted the Ombudsman office, as she was not happy with the managers’ response. The youth had requested assistance in setting up a meeting with CPS to clarify the plans for reunification and to address the issue of misinformation from the social worker. The Ombudsman office was able to empower the youth through collaboration and helped her to clarify reunification plans. The social worker was also transferred from the case, at the youth’s request.

“Thank you for coming and speaking. You opened my eyes to the things I didn’t know about. Like all the rights we have. If you wouldn’t have come and talked to us, I would have never known that I had any rights at all. So once again, I would like to thank you for coming”

A foster youth who attended an Ombudsman Office presentation

3. **Foster Youth Rights (69 complaints - 13 percent)**

The following examples were typical cases the Ombudsman Office received regarding violations or concerns regarding foster youth rights:

- Facility personnel denied court-approved visitations to discipline foster youth.
- Facility personnel opened and withheld personal letters from foster youth without court approval.
- Facilities denied foster youth access to their money without consent and knowledge of the placement agencies.
- Facility personnel engaged foster youth in power struggles by manipulating house rules and facility programs.

Foster Youth Rights Violated

Three youth 13-14 years of age contacted Ombudsman staff to request clarification of their personal rights. They stated that group home personnel opened and withheld their mail without their consent. When the Ombudsman staff explained their rights with regard to their mail, the callers asked that the Ombudsman office provide mediation by contacting the group home management. After contact with the Ombudsman office, the group home management agreed to release personal mail to the foster youth immediately and to instruct their staff not to repeat the same violation again.

4. **Abuse and Neglect in Placement (29 complaints—5 percent)**

Complainants are advised that the Ombudsman staff are mandated reporters of suspected child abuse and thus are required to report all allegations of child abuse and neglect to Child Protective Services and/or Community Care Licensing. All 29 complaints were reported to the appropriate offices.

Allegations of Physical Abuse in Placement

The Ombudsman office received a call indicating that a foster parent had instructed her day care provider to use physical discipline on a foster youth.

The Ombudsman office reported the case to the local child abuse hotline and Community Care Licensing.

“At 16 years old I graduated from my ILP program and received a certificate. At 18 years old I was homeless.....but I still had my ILP certificate.”

From a 20 year old former foster youth.

“Foster children are not routinely assessed for medical, psychological or developmental conditions. Only a small pool of health care providers is willing to serve them. ... As children are bounced from placement to placement, their medical records are poorly maintained or non-existent, placing them at considerable risk for over-immunization or misdiagnosis.

California State University,
Sacramento, 1998

5. Independent Living Program (41 complaints - 7 percent)

During the foster youth focus groups, concerns were expressed by youth regarding their preparation for emancipation. The complaints involved concerns regarding:

- ILP incentives were not provided for youth placed out of county;
- Eligible foster youth were not able to participate in ILP classes because of long waiting lists; and
- ILP services varied greatly from county to county.

Ombudsman Staff Conduct a Financial Aid Workshop to an ILP Class

During an Ombudsman outreach presentation at an Independent Living Skills class, a youth said he had not received information about financial aid programs or how to apply for college. Ombudsman staff checked with ILP staff and discovered that no financial aid workshop was planned, even though many youth had planned to attend college or vocational training within the next few months. Foster Care Ombudsman staff returned to the county the next week and provided an in-depth financial aids workshop and assisted the youth in filling out the applications so the foster youth could meet the up-coming deadline to apply for Cal-Grants. ILP staff attended the workshop and agreed they would be able to provide such workshops in the future.

6. Medical/Dental/Mental Health Services (17 complaints - 3 percent)

There were two common medical issues shared by the complainants:

- Inappropriate or lack of medical assessment,
- Lack of medical and mental health resources.

A Foster Youth Needs Medical Attention

A 15 year old youth reported to the Ombudsman staff that she had a bad rash, which she had reported to the Group Home staff for three weeks, and she needed medical treatment. The Ombudsman Social Worker telephoned the Group Home where the youth was living and spoke to the facility manager. A medical appointment was scheduled within 12 hours of the call. A doctor saw the youth and gave her medication; which subsequently cured the rash.

A 17 1/2 year old youth reports that because of multiple placements, waiting for records and being placed in special education classes, he was lacking the needed credits to graduate. The Ombudsman staff contacted the social worker and provided the youth with information regarding the General Education Diploma (GED).

A 15 year old complained that the social worker has misquoted her in the court report and she could not get her attorney to call her back. Ombudsman contacted her attorney who requested the social worker to make the appropriate changes in the court report.

7. Immigration (5 complaints - 1 percent)

Increasingly, youth are placed in foster care who were born in different countries. Some of these youth have reported that they were emancipated from care without having their Special Immigrant Juvenile Status processed on their behalf. The following example illustrates this issue:

Former Foster Youth Fears She Will be Deported

A 21 year old former foster youth, who did not have legal immigrant status, contacted the Ombudsman office because she feared she was going to be deported to Mexico. She states that she was emancipated from foster care without her Special Immigrant Juvenile Status (SIJS) documents submitted. The youth was able to obtain temporary legal status as a college student, but this permit had expired. Because of her age, the youth was no longer eligible for SIJS. The Ombudsman office researched many options on how to assist the youth and participated in several dialogues with the county child welfare services agency; after which, the county agreed to assume responsibility and agreed to hire a lawyer to obtain her legal status.

8. Education (8 complaints - 1 percent)

The common issues shared by all these complaints received by the Ombudsman were:

- Lack of resources, such as tutoring in the foster homes, and
- Lack of understanding about the Individual Educational Plan (IEP).

A GRANDMOTHER COMPLAINS THAT HER GRANDSON IS NOT RECEIVING ADEQUATE EDUCATIONAL SERVICES:

A grandmother of a 16 year-old youth reported to Ombudsman staff that her grandson was only receiving one hour of education per day in juvenile hall. His probation officer wanted to place the youth out of state after multiple placements had not worked and he spent nearly three years in juvenile hall. The Ombudsman staff contacted the probation officer and a group home that was willing to work with the youth. He was placed in a facility where he is receiving the help he needs. In addition, the youth is receiving a full day of education.

A 15 year old complained that the social worker has misquoted her in the court report and she could not get her attorney to call her back. Ombudsman contacted her attorney who requested the social worker to make the appropriate changes in the court report.

Complaints and Inquiries are received via the toll free Foster Care Help Line, and through email, fax, mail and during outreach presentations.

A Complaint is a Gift

“Complaints provide a feedback mechanism that can help organizations improve services. See complaints through the eyes of the customer and you have a better chance of viewing complaints as a gift”

Barlow and Moller, “A Complaint is a Gift: Using Customer Feedback as a Strategic Tool”

9. Court/Attorney Issues (4 complaints - 1 percent)

- The complainants reveal concerns regarding the objectivity of the court process and concerns that the dependency courts exhibit favoritism toward the county placement agencies, and thus do not objectively hear the concerns and perspectives of the youth or the families.
- Lack of understanding of the court process.

A Legal Guardian Needs Assistance

A legal guardian contacted the Ombudsman Office to inquire about obtaining a copy of her original legal guardianship documents. The legal guardian reported that the documents were needed to proceed with the adoption of the youth. The office assisted the legal guardian by providing help with understanding the process of obtaining the records and put her in contact with the appropriate parties to file the request. The legal guardian was able to obtain the records and is now in the process of finalizing their adoption.

10. Other Issues (21 complaints - 4 percent)

The following issues were also presented to the Ombudsman Office:

- Non-compliance with the child abuse reporting requirements by county child welfare agencies;
- Community Care Licensing regulations or policies;
- Interstate Compact on the Placement of Children;
- Foster parents’ need for day care services; and
- Clothing allowances and related issues.

Interstate Compact For The Placement of Children Issue

The Ombudsman Office received a call from a relative indicating that she was experiencing difficulties with the Interstate Compact for the Placement of Children (ICPC) process. Relative indicates that the originating state placed her nephew in her home without completing the appropriate budget paperwork. The Ombudsman office has been mediating between the local county and the originating state to clarify this issue.